

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
CHRISTINA MENZEL,

Plaintiff,

-v-

ROADGET BUSINESS PTE. LTD. et al.,

Defendants.

CIVIL ACTION NO.: 24 Civ. 860 (JGK) (SLC)

ORDER

SARAH L. CAVE, United States Magistrate Judge.

Defendants move to compel an in-person deposition of Plaintiff Christina Menzel in either Defendants' Counsel's New York office or in Germany, where Plaintiff resides. (ECF No. 123). Defendants also seek a pre-motion conference and a protective order that limits the number of depositions Plaintiff may take in this case. (ECF No. 124). Plaintiff opposes both of Defendants' motions and seeks her own protective order directing the parties to conduct Ms. Menzel's deposition remotely. (ECF Nos. 133; 134).

The settlement conference in this case is set for April 30, 2025 at 10:00 a.m. by videoconference. (ECF No. 121). The Court previously limited the parties' pre-settlement conference depositions to "a single Rule 30(b)(6) witness and two fact witnesses[.]" (ECF No. 90 at 2 ("the November 7 Order")). Since the November 7 Order, the Court granted the parties' request to adjourn the settlement conference and granted Plaintiff's request to file an amended complaint that added new parties; but now, according to Defendants, Plaintiff has identified 21 additional witnesses she seeks to depose before the close of fact discovery on April 16, 2025. (ECF Nos. 97; 98; 120; 121; 122; 124 at 1). Plaintiff contends that "the facts underlying [the

November 7 Order] have significantly changed, and Plaintiff now has an even greater need to take additional depositions of Defendants' witnesses." (ECF No. 133 at 2). As the case schedule currently stands, the settlement conference will occur two weeks after the close of fact discovery. (ECF Nos. 121; 122).

After careful review of the parties' letters and cited authority, it is ORDERED as follows:

1. Defendants' request for a conference is **DENIED**. (See ECF No. 123).
2. The parties' dueling requests for a protective order are **DENIED**, and Defendants' request to limit the number of depositions Plaintiff may take before the settlement conference is **GRANTED in part and DENIED in part**. (See ECF Nos. 124; 134).
3. On or before **March 21, 2025**, the parties shall depose Plaintiff Christina Menzel either (i) in Germany, at a suitable location at or near Plaintiff's residence, or (ii) remotely by video.
4. On or before **April 16, 2025**, the parties shall conduct no more than a single Rule 30(b)(6) and two (2) fact witness depositions (not including Ms. Menzel) relating to the Defendants who were in the case before the Second Amended Complaint was filed, and three (3) fact witness depositions relating to the newly-added Defendants. (See ECF Nos. 90; 98).
5. The fact discovery deadline of April 16, 2025 remains in effect, but the Court may entertain a motion to reopen fact discovery to conduct further depositions, pending the outcome of the April 30, 2025 settlement conference. (See ECF Nos. 121; 122). The Court encourages the parties engage in or continue good-faith settlement negotiations before the settlement conference.

The Clerk of Court is respectfully directed to close ECF Nos. 123 and 124.

Dated: New York, New York
February 20, 2025

SO ORDERED.


SARAH L. CAVE
United States Magistrate Judge